

# EXHIBIT J

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REPORTER'S RECORD  
VOLUME 1 OF 1 VOLUMES  
CAUSE NO. 2015-03795J

IN THE INTEREST OF ) IN THE DISTRICT COURT  
D [REDACTED] T [REDACTED] AND P [REDACTED] T [REDACTED] ) HARRIS COUNTY, TEXAS  
CHILDREN ) 314TH DISTRICT COURT

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SHOW CAUSE HEARING

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On the 7th day of July, 2015 the following  
proceedings came on to be heard in the above-entitled  
numbered cause before the Honorable John Phillips, Judge  
presiding, held in Houston, Harris County, Texas.

Proceedings reported by Computerized Stenographic  
Machine Method.

## A P P E A R A N C E S

1  
2 Mr. DanPhi Nguyen  
SBOT: 16951500  
3 ASSISTANT COUNTY ATTORNEY  
1019 Congress, 17th Floor  
4 Houston, Texas 77002  
Telephone: 713-274-5229  
5 Counsel for T.D.F.P.S.

6 Mr. Michael Craig  
THE LONGWORTH LAW FIRM  
7 SBOT NO. 24072214  
1385 FM 359 Road, Suite 308  
8 Richmond, Texas 77406-2017  
Telephone: 832-372-7146  
9 Counsel for The Child

10 Mr. John Na  
ATTORNEY AT LAW  
11 SBOT NO.  
2915 Fannin  
12 Houston, Texas 77002  
Telephone: 713-655-0737  
13 Counsel for Respondent Mother

14 Mr. Shandon Phan  
ATTORNEY AT LAW  
15 SBOT NO. 14052700  
11205 Bellaire Blvd., Suite B-31  
16 Houston, Texas 77072  
Telephone: 281-407-5622  
17 Counsel for Respondent Father

18 Also Present: Ms. Natalie Nguyen, Acting Vietnamese  
19 Interpreter  
20  
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## P R O C E E D I N G S

MR. NGUYEN: Your Honor, we are here in the interest of P [REDACTED] and D [REDACTED] T [REDACTED] for a show cause hearing, cause number 2015-03795J. Present before the Court, Mr. Michael Craig is the attorney ad litem for the children. Mr. John Na has been retained by the mother Ms. Tuyet Tran, he is the attorney for the mother, she is also present. And Mr. Shandon Phan is here with his client, the alleged father Trang Vu, he is also present. D.F.P.S. caseworker, myself Mr. DanPhi Nguyen, the Harris County Attorney's Office. Ms. Natalie Nguyen, she works in the same office with Mr. John Na. We have all agreed to allow Ms. Natalie to interpret Vietnamese to the mother. All right.

SHAYOLONDA HERRON

After having first been duly sworn, testified as follows:

## D I R E C T E X A M I N A T I O N

BY MR. NGUYEN:

Q Caseworker, please state your name.

A Shayolonda Herron.

Q And how old are these two kids?

A D [REDACTED] is ten. P [REDACTED] is eleven.

Q Okay. And where are they currently placed at this time?

A They're in a foster home.

1 Q All right. And we're currently exploring  
2 relatives, correct?

3 A That is correct.

4 Q There are relatives that we found on maternal side  
5 of the family?

6 A Correct.

7 Q Okay. Now you've interviewed the children,  
8 correct?

9 A Yes.

10 Q There have been allegations of domestic violence  
11 in the home?

12 A That's correct.

13 Q Can you explain to the Court what those  
14 allegations were?

15 A The kids exposed that there's constant fighting  
16 between Mom and Dad. They've observed Dad choke Mom and  
17 that they're afraid.

18 Q Did they disclose to you how frequently this has  
19 been happening?

20 A Yes. They stated that this has been -- this occur  
21 on a weekly basis.

22 Q Okay. And did they disclose how long it's been  
23 happening?

24 A Yes. They stated that these has been going on for  
25 years.



1 Q For years. And have there been any police  
2 call-outs in the home?

3 A I requested them, but I haven't received them  
4 back. But Dad confirmed that they have notified -- law  
5 enforcement has come out to the home.

6 Q That is based on what Dad is telling you?

7 A That is correct.

8 Q Okay. You feel that the domestic violence in the  
9 home is a dangerous environment for these children?

10 A Absolutely.

11 Q That's the reason why you felt compelled to remove  
12 them, correct?

13 A Yes.

14 MR. NGUYEN: I'll pass the witness at this  
15 time.

16 MR. NA: Yes.

17 C R O S S E X A M I N A T I O N

18 BY MR. NA:

19 Q Sorry. What was your name?

20 A Shayolonda.

21 Q Ms. Shayolonda, are you aware that the parents  
22 have since separated?

23 A Yes, I am.

24 Q And during your studies, have you ever found Mom  
25 to be -- have you ever found Mom to be a threat to the

1 children?

2 A Only concern with Mom is that she's allowed this  
3 to occur all these years without protecting the children.

4 Q But the -- she was the one being abused, correct?

5 A That is correct.

6 Q And so when you say she allowed it to happen, she  
7 was allowing herself to be abused, not the children,  
8 correct?

9 A Correct. But she knew how the dad's behaviors are  
10 and she stayed in that environment.

11 Q And did the children say that they were ever hit  
12 by the father?

13 A Yes.

14 Q And when was the last time?

15 A I don't know the exact date but they said that if  
16 they don't complete their homework that he has assigned to  
17 them, he gets upset and he has hit them before.

18 Q And -- but you can't remember the last time that  
19 happened?

20 A No.

21 Q And is punishing -- is that considered punishment  
22 or is that like abuse? In your opinion.

23 A According to the behavior, I don't think -- I feel  
24 that the children are afraid of their father.

25 Q But not of the mother, correct?



1 A No. They did not say they're afraid of their  
2 mother.

3 Q And if the parents have separated, in your  
4 opinion, would that be an immediate threat to the children  
5 if the children were with the mother?

6 A Yes. Because Mom needs to take domestic violence  
7 classes so that this will not occur again. So she can  
8 prevent this from happening again.

9 Q Prevent what from happening?

10 A Domestic violence.

11 Q Towards her.

12 A Towards her and putting the children in that  
13 environment again.

14 Q But they're not gonna be in that environment. The  
15 parents are separated, correct?

16 MR. NGUYEN: Objection. Argumentative.

17 A We don't know if they're gonna be in that  
18 environment.

19 MR. NA: No further questions, Your Honor.

20 THE COURT: Anybody else?

21 C R O S S E X A M I N A T I O N

22 BY MR. PHAN:

23 Q Yes. Ms. Shayolonda?

24 A Yes, sir.

25 Q You stated that when you spoke to the children,

1 the children told you that police went to the house. Did  
2 you ask them when?

3 A They couldn't give me an exact date.

4 Q Did they -- did you ask to get a chance of when  
5 that occurred?

6 A Yes.

7 Q Maybe this year, maybe two, three years ago?

8 A They couldn't give me a date. All they said was  
9 law enforcement has come to their home for their parents  
10 fighting. And they told me that they've called law  
11 enforcement.

12 Q Okay. When the children told you that the father  
13 hit them, did you try to verify whether the father tried to  
14 punish the children, did you inquire further as part of your  
15 job?

16 A They said that their father was -- would hit them  
17 if they didn't do their homework and that he would hit them  
18 on their arm with his fist.

19 Q Okay. And you have no idea when that happened?

20 A No, I don't have an exact date.

21 Q And do you have anything on record to show that  
22 the father was ever abusing these children besides the  
23 testimony that you shared with us today?

24 A No. Just the disclosure from the children.

25 Q Okay. And did the mother and the father

1 collaborate with you in your conducting of investigation?

2 A At the end, yes. After we took custody of the  
3 kids, Dad was very cooperative.

4 Q Okay. How did they answer your inquiries in the  
5 beginning that caused you to believe that they did not  
6 collaborate?

7 A Well the initial -- the first time I went to the  
8 home -- well first of all, I had a difficult time reaching  
9 out, getting a hold of the family to do interviews. When I  
10 did make an appointment with Dad, things got a little out of  
11 hand. Dad agreed to speak with me but he wanted to be  
12 present when I talked to the children. And after that, it  
13 was a unrelated home member that basically threw me out the  
14 home.

15 Q Who is that unrelated member of the home?

16 A Robbins Mitchell.

17 Q Did he have authorization to throw you out the  
18 home when -- you claim that the father was still there. So  
19 how would a tenant have authorization to throw you out the  
20 home?

21 MR. NGUYEN: Objection. Relevance.

22 THE COURT: Overruled. Go ahead.

23 A Dad never stopped the unrelated home member from  
24 verbally attacking me. He didn't -- he allowed this to  
25 happen in the home.

1 Q (By Mr. Phan) So the Mr. Robbins?

2 A Yes.

3 Q Okay. Mr. Robin verbally attacked you?

4 A Correct.

5 Q What did he say to be construed as verbally  
6 attacking you?

7 A He was calling me coward, saying I was a liar. He  
8 was just yelling.

9 Q And how did the father react?

10 A He didn't do anything.

11 Q He didn't do anything. Okay. Did you recall a  
12 letter sent by my client to you and to the county attorney  
13 in which he showed you videos and acknowledged that he tried  
14 to intervene and later on apologize to you and that was on  
15 the video that he recorded? Do you remember that?

16 MR. NGUYEN: Objection. Assumes facts not in  
17 evidence.

18 THE COURT: Overruled.

19 A Dad -- when I went out to the home and  
20 Mr. Mitchells was talking to me and calling me all these  
21 names, Dad never stopped Mr. Mitchell from talking to  
22 continue the investigation. I gave Dad an opportunity to  
23 come to the office to discuss the investigation and he did  
24 not want -- he wanted me to close the case.

25 Q (By Mr. Phan) But did the father kicked



1 you out or ask you to leave the house or Mr. Robbins  
2 did that?

3 A I left the home because the children were present  
4 and the yelling was -- had escalated and I didn't want to  
5 put the kids in that type of environment.

6 Q What was the yelling -- what was the cause of the  
7 yelling in between who? Which party?

8 A Mr. Mitchells was yelling at me and D [REDACTED] was  
9 present at the table. And with all this yelling going on,  
10 like I said, Dad never intervened to tell him to stop or let  
11 him talk to me or anything.

12 Q Okay. And in your opinion, that construed to be  
13 non-collaborated with you?

14 A Yes. Because I couldn't finish the investigation  
15 to see exactly what was going on.

16 Q Was there any question or request that you have  
17 for the father that he failed to respond to you?

18 A I e-mailed Dad and asked him if we can finish the  
19 investigation at my office. And his response was, he didn't  
20 want this investigation open, he wanted it closed and he  
21 didn't want CPS involved with his family.

22 Q Only when he failed to -- only when he failed to  
23 get you to come back to the house and resolve it, right?

24 A He didn't ask me to come back to the house. I  
25 asked if he can come to my office.

1 Q Uh-huh. Okay.

2 A And at that point, it took him a few days to  
3 respond and when he did respond, his response was that he  
4 wanted the investigation closed.

5 Q Okay. And you didn't follow up with any further  
6 action?

7 A No. He wanted it closed. He wasn't willing to do  
8 anything else.

9 Q Okay. And -- okay. And did the mother  
10 collaborate with you?

11 A She did.

12 Q Okay.

13 MR. PHAN: No further questions, Your Honor.

14 MR. CRAIG: Quickly, Your Honor.

15 C R O S S E X A M I N A T I O N

16 BY MR. CRAIG:

17 Q Ma'am, you were upstairs with me with the children  
18 an hour ago?

19 A Yes, sir.

20 Q Okay. The children report pervasive and  
21 consistent domestic violence in the home, correct?

22 A Yes, sir.

23 Q The children report that they've been punched by  
24 their father.

25 A Correct.



1 Q That the father has slammed the mother against a  
2 wall.

3 A Yes.

4 Q It happens regularly.

5 A Correct.

6 Q Clearly these children are in danger, correct?

7 A Yes.

8 Q Okay. Now the children are in foster care; is  
9 that correct?

10 A Yes.

11 Q Now the children have not indicated at all that  
12 they have any fear of their mother, have they not?

13 A That's correct.

14 Q If the mother's in a location that the father  
15 doesn't know about, wouldn't it make sense to put the  
16 children with the mother temporarily, now?

17 A Yes. But my only concern would be that the  
18 children -- Dad would have access with them online and  
19 things and I don't want them -- I want Dad to work on  
20 hisself.

21 Q I understand that.

22 A But him controlling them via e-mail and things of  
23 that nature, I don't -- they're afraid.

24 Q Okay. And to clarify. When you went out to do  
25 your investigation, there were other adults in the home?

1 Besides the parents?

2 A Yes. Mr. Mitchell.

3 Q And who is Mr. Mitchell?

4 A He's an unrelated home member who rents a room  
5 from the family.

6 Q How many people rent rooms in this home?

7 A To my knowledge, I just knew about Mr. Mitchells  
8 until I learned of another guy.

9 Q Okay.

10 A In the home.

11 Q Are there any concerns about those folks?

12 A I don't know anything about them.

13 Q Okay. You think it's in the best interest that  
14 the agency be involved with the parents right now?

15 A Yes.

16 Q Okay. If the father was ordered not to have  
17 contact with his wife, do you think it would be still -- in  
18 that case, do you think it would be in the best interest to  
19 let the mother have the children now --

20 A Yes.

21 Q -- if there's a Court order?

22 A Yes.

23 Q That she keep them safe and away from the father.  
24 That way we can avoid foster care.

25 A Yes.

1 MR. CRAIG: Pass the witness.

2 MR. NGUYEN: I'd like to call the deputy  
3 constable. Everyone's done with this witness, correct?  
4 Caseworker?

5 MR. NA: Yes.

6 LAKEISHA CHEETUM

7 Having first been duly sworn, testified as  
8 follows:

9 D I R E C T E X A M I N A T I O N

10 BY MR. NGUYEN:

11 Q Ma'am, please state your name.

12 A I'm Lakeisha Cheetum, deputy constable with Harris  
13 County at Precinct Five.

14 Q And you are the constable who executed the writ of  
15 attachment in removing the children, correct?

16 A Correct.

17 Q When did that occur?

18 A That occurred June 24th, approximately 4:00 p.m.

19 Q Okay. And when you went to go remove the children  
20 from the home, who was in the home when you went there?

21 A At the front door, we encountered a male later  
22 identified as Robbins Mitchell.

23 Q Okay.

24 A He began to refuse us access, one, into the home;  
25 and two, to check the welfare of the children whom we

1 visually saw with our own eyes directly behind him in the  
2 foyer of the home.

3 Q Okay. Anything in that home that gave you some  
4 cause for concern for the children's well being?

5 A There was nothing physically in the home that  
6 caused us concern for the children's well being, it was the  
7 individual who we, who we encountered made us kind of weary  
8 about the children's safety, being that he was the only  
9 adult male and the approach that he gave us.

10 Q Okay. You're speaking about Mr. Robbins Mitchell,  
11 correct?

12 A Yes.

13 Q Did you do, like a background check on him to see  
14 what he was about?

15 A The background check didn't happen until after we  
16 had to take custody of Mr. Mitchell for interfering with  
17 public service.

18 Q Okay. Anything that you saw about Mr. Mitchell  
19 that you felt there was a concern about?

20 A Being that the children of minor children age,  
21 Mr. Mitchell had on a satin house robe with no  
22 undergarments.

23 Q Okay. And did you get to check the records to see  
24 if there was any call-outs for domestic disturbance or  
25 domestic violence by H.P.D. or Harris County?



1           A     Yes. We went back -- ten years back and we  
2 checked the status for calls of service for H.P.D. and  
3 Harris County and there is only one, but there has not been  
4 any for domestic violence.

5           Q     And that's at the parent's address, correct?

6           A     Correct.

7           Q     On Sandstone?

8           A     At Sandstone.

9           Q     And that one call that you're talking about, which  
10 call was that about?

11          A     That was an assault that occurred at D [REDACTED]'s  
12 school.

13          Q     Okay. So that was not about the domestic violence  
14 between the parents?

15          A     No, it was not.

16          Q     Okay.

17                   MR. NGUYEN: Pass the witness, Judge.

18                   MR. NA: I don't think I have any questions,  
19 Your Honor.

20                   THE COURT: Questions?

21                   MR. PHAN: Yes, Your Honor. Just a few.

22                   C R O S S   E X A M I N A T I O N

23                   BY MR. PHAN:

24           Q     So when you came to the house, Mr. Mitchell, he  
25 opened the door, what did he do?

1 A He refused --

2 Q Or say to you.

3 A After we officially identified ourself and  
4 addressed him to the order in which we were there on, which  
5 was the writ of attachment, he basically refused to  
6 cooperate, refused to give his name under the orders of the  
7 parent. He said that he wasn't allowing us visual aspect on  
8 the children nor was he allowing us to speak with the  
9 children and he ordered the children upstairs.

10 Q Okay. And did you make any reasonable effort to  
11 contact the parents yourself?

12 A Yes.

13 Q How?

14 A On the cell phone.

15 Q And did they respond?

16 A Yes. He advised that he will not allow us access  
17 to the children or to his home.

18 Q The father?

19 A The father.

20 Q Okay. Did you show them any court document and  
21 the reason why you're there?

22 A Yes.

23 Q Okay. To Mr. Mitchell, right?

24 A To Mr. Mitchell.

25 Q Not to the father.



1 A The father was not on location.

2 Q Okay. And that was the only effort you made?

3 A To show him the document?

4 Q To contact him and to show him the document.

5 A Yes.

6 Q Okay.

7 MR. PHAN: No further questions, Your Honor.

8 MR. CRAIG: No questions, Judge.

9 MR. SPJUT: No questions, Judge.

10 MR. NGUYEN: No more questions, Judge.

11 THE COURT: Anybody else have any testimony  
12 or evidence they want to present?

13 MR. CRAIG: No, Your Honor.

14 MR. NGUYEN: No, Judge.

15 MR. PHAN: Yes, Your Honor. I would like to  
16 call my client Mr. Vu.

17 THE COURT: All right.

18 TRANG VU

19 Having first been duly sworn, testified as  
20 follows:

21 D I R E C T E X A M I N A T I O N

22 BY MR. PHAN:

23 Q You heard the testimony from the deputy and also  
24 the caseworker. Did you collaborate with them? First with  
25 Ms. Yolanda (sic) when she came to your house to

1 investigate?

2 A Yes, I did.

3 Q She claim that you did not collaborate in the  
4 beginning. Can you explain why she would come to such a  
5 conclusion?

6 A I sent them -- when I heard that there's some  
7 people came to my house want to talk with the kids. And  
8 then I said, I feel strange because I don't want anybody to  
9 interfere with my family and I want to protect my family's  
10 privacy and my rights. So therefore, I -- my wife give me  
11 seal on our business card that's when I e-mail her.

12 I told her -- I politely invite her to come  
13 to my house formally and have a meeting to find out what's  
14 her investigate, investigations about. When we agreed to a  
15 date, on that Saturday she came to my house I was cutting  
16 my -- taking care of the yard. I came in and have her came  
17 her inside the house and have a meeting.

18 We were talk normally and she ask me about --  
19 what I think about D [REDACTED]'s play choking, play hard on his  
20 friends in school, the incident. And as I was explaining to  
21 her, Robin Mitchell step out of the room. He just a -- he  
22 rent a room there, that's all. He just stay in a room.

23 MR. NGUYEN: Judge, can I object to the  
24 narrative of this.

25 THE COURT: That's sustained. Let's answer a

1 question that's posed to you and only answer the question  
2 that's asked.

3 A So what's your question again?

4 Q (By Mr. Phan) So my question is, did you  
5 collaborate with Ms. Yolanda (sic) when she first  
6 came to your home to investigate and if she claim  
7 that you did not, do you have an explanation, short  
8 explanation why?

9 A No. I collaborate with her fully. I work with  
10 her, give her informations, but then we were interrupted by  
11 Mr. Robbins Mitchell.

12 Q Okay. And when Mr. Mitchell intervene, why -- why  
13 did you prevent Mr. Mitchell from intervening into your  
14 conversation with the caseworker?

15 A Yes. When Shayolonda request to have a private  
16 meeting with me and her, I told Robin Mitchell to leave the  
17 room, so we can continue her investigation privately.

18 Q You did ask Mr. Mitchell to leave the room?

19 A I did. After she request, I say yes, I agree to  
20 that. And I asked Mr. Robin Mitchell to leave room.

21 Q Did Mr. Mitchell comply --

22 A No.

23 Q -- with your request?

24 A He did not. He continue on, want to fight with  
25 Shayolonda. And that's when I stepped back and I say, this

1 has got out of my hand.

2 Q So the argument was mostly between Ms. Yolanda  
3 (sic) and Mr. Mitchell?

4 A That's correct. When Robin Mitchell took over  
5 the, the meeting, he start calling her names.

6 Q And you did ask him to leave the room?

7 A I did.

8 Q Okay.

9 A But --

10 MR. NGUYEN: Objection. Nonresponsive after  
11 yes.

12 THE COURT: Just answer the question asked,  
13 please.

14 Q (Mr. Phan) Okay. And when the deputy  
15 arrived at your residence to take the children away,  
16 she stated she spoke on the phone with you. Did you  
17 tell her not to take your children away? Did you  
18 make any effort to get there?

19 A Yes. I was driving on the freeway coming to my  
20 house. I left my work early, I told my boss --

21 THE COURT: All right. We're gonna finish  
22 this after lunch. We'll see you back about 1:15, 1:20.

23 MR. PHAN: Thank you, Judge.

24 (Lunch recess taken. Off the record.)

25 (Open court. All parties present.)



1 MR. NGUYEN: All right. Judge, we're back on  
2 the record in the interest of P [REDACTED] and D [REDACTED] T [REDACTED], cause  
3 number 2015-03795J. All parties are present with us today.  
4 I believe Mr. Shandon Phan was in the middle of questioning  
5 his client. Mr. Phan.

6 Q (By Mr. Phan) Mr. Vu, let's continue.

7 A Yes, sir.

8 Q Where was I? Where was -- where was I? You  
9 testified that you try your best to communicate with the  
10 caseworker?

11 A That's correct.

12 Q And in your letter, in your apology letter to her,  
13 you tried to explain that you involve Mr. Mitchell to leave  
14 the room?

15 A That's correct. I did that and I have a video --

16 MR. NGUYEN: Objection. Nonresponsive.

17 THE COURT: Just answer the question asked.

18 A Yes, sir, I did. I respond to her that I did try  
19 to work with her to complete her investigation.

20 Q (By Mr. Phan) All right.

21 A In my e-mail.

22 Q And what was the reason to have a digital  
23 recording of the --

24 MR. NGUYEN: Objection. Relevance.

25 THE COURT: That's sustained.

1 Q (By Mr. Phan) On the day when the deputy  
2 came to the residence, did you make an effort to try  
3 to meet with the deputy when they tried to get the  
4 children from the residence?

5 MR. NGUYEN: Objection. Asked and answered.

6 THE COURT: That's sustained. Let's move  
7 along to something new.

8 MR. PHAN: The respondent would like to  
9 introduce into evidence two letters from respondent Mr. Vu.  
10 The letter was e-mailed to the county attorney along with  
11 the caseworker and her supervisor apologizing for the  
12 incident and also explaining what happened. Do you  
13 recognize that to be a copy of the e-mail you receive?

14 MR. NGUYEN: I have no objections to this,  
15 Judge.

16 THE COURT: All right.

17 MR. CRAIG: No objection.

18 THE COURT: Uh-huh.

19 MR. NA: No objection, Judge.

20 MR. PHAN: And the respondent would also like  
21 to introduce evidence a parent petition, another letter  
22 included by Mr. Vu explaining his version of event.

23 MR. NGUYEN: I have no objection to this  
24 either. I've seen this. Why don't you mark these.

25 MR. PHAN: Okay.



1 MR. NGUYEN: As Respondent Father 1 and 2.

2 Q (By Mr. Phan) Did you ever hit the  
3 children?

4 A No, sir. I never hit my children.

5 Q The caseworker that went to talk to your children,  
6 they told caseworker that you did hit your children several  
7 times.

8 A Hitting meaning that in the course of training my  
9 kids --

10 MR. NGUYEN: Objection. Nonresponsive. I  
11 didn't hear a question.

12 A I disciplined --

13 MR. NGUYEN: Just ask a question.

14 Q (By Mr. Phan) How do you explain that your  
15 children say with the caseworker you did hit them  
16 several times?

17 A Hitting them in the course of disciplining them.  
18 Several time, they, they don't do their homework when I was  
19 at work. So when I came home I found out. I'd told them  
20 continue do their homework. And I even make them log in a  
21 daily log what exactly they do. Because I know that  
22 sometime they get carried away and they just play all days  
23 at home, watch video. So therefore, I want to put them on  
24 the right track so they can continue their study. But  
25 hitting, meaning disciplining, not to abuse the kids.

1 Q Okay.

2 A Hitting, like maybe like touching them or not to  
3 abuse them, sir.

4 Q And when was the last time that you punished your  
5 children that way?

6 A I don't remember because I never try to do that so  
7 I just don't do that.

8 Q Okay. And did your wife object to that teaching,  
9 that type punishment or disagree with it?

10 A Several times, my wife say, well I make the kids  
11 study too much, too hard. And I change, you know, I take  
12 them out to places and do different things, you know, normal  
13 activities. But my expectations that they need to complete  
14 their daily homework for -- before they can go outside the  
15 house and play. And I even set up basketball court --

16 MR. NGUYEN: Objection to the narrative,  
17 Judge.

18 THE COURT: Yeah. Just answer the question  
19 asked.

20 A Yes.

21 Q (By Mr. Phan) As a result of your teaching  
22 or punishment, do you feel that your children make  
23 improvement in their behavior or their school  
24 performance?

25 A Oh yes. Absolutely. Like I told Shayolonda in

1 the e-mail, they're the fastest typist in the whole school.  
2 They got straight A's, report card, they in the gift and  
3 talented programs. They do gift and talent shows. There's  
4 no other kids can do what they can do. They can --

5 MR. NGUYEN: Objection to the narrative,  
6 Judge.

7 MR. PHAN: Well the client trying to share  
8 the teaching.

9 THE COURT: I know what he was trying to say.  
10 He's trying to say how wonderful he is. He needs to confine  
11 himself to the answer to the question that you asked him.

12 Q (By Mr. Phan) Just answer my question.

13 THE COURT: Let's try it again.

14 Q (By Mr. Phan) Did you notice any  
15 improvement in your children behavior or school  
16 performance?

17 A Yes. They improve -- their academic is above  
18 average.

19 Q Okay.

20 A Yes.

21 Q Okay. And who is -- do you and your wife share  
22 the responsibility of teaching the children, disciplining  
23 them or just mainly you?

24 A It's just me.

25 Q Why's that?

1           A     Because my wife, she never graduate high school  
2     and she doesn't speak English. I am the only one  
3     responsible for kids' academic study.

4           Q     Do both you have a full time job?

5           A     Yes, we do.

6           Q     Okay.

7                     MR. PHAN: No further question, Your Honor.

8                     C R O S S   E X A M I N A T I O N

9     BY MR. NGUYEN:

10           Q     So how long have you and -- how long have you and  
11     the mother been married?

12           A     Since 2001. Just right before September 11.

13           Q     Okay. And you're aware of the allegations of  
14     domestic violence between you and your wife?

15           A     Yes, sir. I am aware of that.

16           Q     Do you dispute that?

17           A     No, I don't dispute that.

18                     MR. PHAN: Objection. Too general. Too  
19     vague.

20                     THE COURT: Your objection's overruled.

21                     MR. PHAN: The state or the mother herself.

22                     THE COURT: Your objection's overruled.

23           Q     (By Mr. Nguyen) Okay. You admit there has  
24     been domestic violence in the house, correct?

25           A     Yes, sir, between me and my wife. Not me and the



1 kids.

2 Q Okay. But you're aware the kids are in the home  
3 with you, right?

4 A That's correct.

5 Q And even with Mr. Mitchell in the home or whoever  
6 else living in the home, do any of them step in to stop the  
7 domestic violence between you two?

8 A No. Mr. Mitchell only lives there for only two  
9 months. And during that time, there's been no violence. It  
10 just normal family --

11 MR. NGUYEN: Objection. Nonresponsive.

12 THE COURT: Just answer the question that he  
13 asked you.

14 Q (By Mr. Nguyen) Okay. At any time, have  
15 you ever choked your wife in front of the kids?

16 A Yes, I did.

17 Q You did?

18 A I try to choke her but I didn't mean to because I  
19 was mad.

20 Q Okay. So -- and you're aware that D [REDACTED] got  
21 into a fight at school, correct? Yes or no.

22 A Not in a fight at school.

23 Q Was he not suspended from school for choking  
24 another child?

25 A Yes, he did.

1 Q Were you aware that he also stated that he learned  
2 that from you?

3 A I don't know that.

4 Q Okay.

5 MR. CRAIG: Pass the witness.

6 THE COURT: Questions?

7 MR. NA: No questions.

8 MR. CRAIG: No questions, Your Honor.

9 MR. SPJUT: No questions.

10 THE COURT: Next witness.

11 MR. CRAIG: No witness.

12 MR. NGUYEN: No, Your Honor.

13 THE COURT: Anybody else?

14 MR. NGUYEN: No, Judge.

15 MR. PHAN: No, Your Honor.

16 THE COURT: Okay. Are we done?

17 MR. NGUYEN: Yes, Judge.

18 THE COURT: All right then. T.D.F.P.S. is  
19 gonna be named temporary managing conservator. Current  
20 placement's approved. Now as to -- you're gonna have to  
21 work out visitation and things like that. I'm not gonna get  
22 involved in that. We'll have a -- let's see.

23 MR. NGUYEN: Status hearing August 18th,  
24 Judge.

25 THE COURT: The next hearing we have is



1 August 18th.

2 MR. CRAIG: Your Honor, may I ask a question?

3 THE COURT: Yeah.

4 MR. CRAIG: In the event the mom's new  
5 residence where she goes, if that's safe and stable, would  
6 it be permissible for me to go out there --

7 THE COURT: Oh yeah.

8 MR. CRAIG: -- consult with the agency and  
9 then move the children without coming back to court?

10 THE COURT: Sure.

11 MR. CRAIG: Thank you.

12 THE COURT: We'd have to --

13 MR. NGUYEN: Call a special status.

14 THE COURT: -- do something about visitation.  
15 Make visitation at a different site.

16 MR. NGUYEN: Yes, sir.

17 THE COURT: Okay.

18 MR. NGUYEN: Not at CPS office?

19 THE COURT: Well I'm saying, not at the home.

20 MR. NGUYEN: Yes. Absolutely.

21 MR. CRAIG: Thank you, Judge.

22 MR. NGUYEN: Thank you, Judge. Appreciate  
23 it.

24

25


1 THE STATE OF TEXAS )

2 COUNTY OF HARRIS )

3 I, Julia M. Rangel, Official Court Reporter in and  
4 for the 314th District Court of Harris County, State of  
5 Texas, do hereby certify that the foregoing contains a true  
6 and correct transcription of all portions of evidence and  
7 other proceedings requested in writing by counsel for the  
8 parties to be included in this volume of the Reporter's  
9 Record, in the above-styled and numbered cause, all of which  
10 occurred in open court or in chambers and were reported by  
11 me.

12 I further certify that this Reporter's Record of  
13 the proceedings truly and correctly reflects the exhibits,  
14 if any, admitted, tendered in an offer of proof or offered  
15 into evidence.

16 WITNESS MY OFFICIAL HAND this the 30th day of  
17 July, 2015.

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